

NOTICE OF MEETING

Licensing and Safety Committee

Thursday 9 January 2014, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Licensing and Safety Committee

Councillor Thompson (Chairman), Councillor Leake (Vice-Chairman), Councillors Allen, Baily, Mrs Barnard, Brossard, Brunel-Walker, Davison, Finch, Finnie, Gbadebo, Porter, Mrs Pile, Mrs Temperton and Ms Wilson

ALISON SANDERS
Director of Corporate Services

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Published: 30 December 2013



Licensing and Safety Committee
Thursday 9 January 2014, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

AGENDA

Page No

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest**

Members are asked to declare any personal or disclosable pecuniary interest in respect of any matter to be considered at this meeting.

Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

3. **Minutes**

To approve as a correct record the minutes of the meeting held on 10 October 2013.

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4. **Urgent Items of Business**

Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.

5. **Notice of Public Speaking**

To note those agenda items which have received an application for public speaking

6. **Fees and Charges 2014/15**

To consider a report setting out any representations made in response to consultation on the draft fees and charges schedule agreed at the Committee's last meeting and seeking approval of the fees to be applied to any new or renewed licence starting from 1 April 2014.

5 - 8

7. **Review of Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers**

To receive a report on the results of the recent consultation on the amended version of the Council's Guidance Notes and Conditions document.

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Information Items

8. **Deregulation of Entertainment Licensing**
To receive a report providing an update on the ongoing deregulation of entertainment licensing under the Licensing Act 2013. 79 - 82
9. **Scrap Metal Legislation and Local Implementation**
To receive a report providing detail on the implementation of the Scrap Metal Dealers Act 2013 which came into force on 1 October 2013. 83 - 84
10. **Licensing Panel Minutes**
 - Premises Application – North Lake 85 - 88

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**LICENSING AND SAFETY COMMITTEE
10 OCTOBER 2013
7.30 - 8.20 PM**

Present:

Councillors Thompson (Chairman), Leake (Vice-Chairman), Allen, Baily, Brossard, Brunel-Walker, Davison, Finch, Finnie, Gbadebo, Kensall, Porter and Mrs Temperton

Apologies for Absence were received from:

Councillors Mrs Barnard

4. Declarations of Interest

There were no declarations of interest.

5. Minutes

RESOLVED that the minutes of the Licensing and Safety Committee held on 1 May 2013 and 15 May 2013 be approved as a correct record and signed by the Chairman.

6. Urgent Items of Business

There were no urgent items of business.

7. Notice of Public Speaking

There was no notice of public speaking.

8. Face to Face Direct Debit Collections: Site Agreement

The Committee considered a report that sought approval of a revised version of the agreement held with the Public Fundraising Regulatory Association (PFRA) which controlled face to face direct debit collections in the street in Bracknell Forest.

It was noted that there had been some concerns around collections particularly in the Sandhurst and Crowthorne areas. If members of the PFRA contravened the agreement they would face a penalty points scheme governed by the PRFA, which could lead to enforcement action if necessary. It was noted that the vast majority of collections were carried out by members of PFRA.

The Agreement set out designated areas where collections could take place. It was confirmed that whilst the town centre demolition was taking place, collectors were unlikely to undertake collections in some of the designated areas such as Charles Square as there would be very little footfall in this area.

It was noted that paragraph 5.4 (ii) of the report needed to be amended to read 'Change the minimum distance between fundraisers from 3 metres to 5 metres'.

It was **RESOLVED** that the PFRA site agreement at Annex A of the agenda papers, be approved.

9. Fees and Charges

The report before members asked them to consider the proposed fees and charges for licensing matters for 2014/15 and save for the fees for Hackney Carriage and Private Hire to agree that these proposed fees go forward for consideration as part of the Council fee setting process.

The fees for Hackney Carriages and Private hire were subject to a different statutory process. The proposals followed the corporate advice save for Home to School where it was reported that a significant part of the renewal process was carried outside of the department by the School Transport team under other arrangements and the fee structure avoids double charging.

It was noted that page 31 of the agenda papers should refer to DBS checks and not CRB checks.

It was **RESOLVED** that;

- i) save for the private hire operator, hackney carriage, home to school and private hire vehicle licence fees, that the Committee recommend to the Executive the new fees and charges detailed in Annex A of the agenda papers, be put forward for public consultation.
- ii) the Committee agreed that the proposed charges for operators and vehicle licence fees be:
 - a) advertised
 - b) if no objections are received, implemented as of 1 April 2014; or
 - c) if objections are received they be considered by the Committee at their meeting on 9 January 2014.

10. Review of Taxi Guidance Notes

The Committee considered a report that sought approval to undertake consultation on an amended version of the Council's Guidance Notes and Conditions document.

It was reported there were two main amendments to the current scheme, these were:

- i) page 50, paragraph 11.10 this now specified the minimum percentage of light that must be transmitted through tinted windows of licensed vehicles. It was reported that this was amended to ensure the safety of vulnerable people travelling in licensed vehicles, to ensure the driver could see adequately and to ensure that the maximum number of passengers in a vehicle were not being exceeded.
- ii) page 66, paragraph 30.5 this ensured that licence holders had a base within the borough.

It was reported that the trade would be consulted on these matters and then officers would report back to Committee with comments and proposals to ratify the Guidance Notes.

It was noted that light transmission from tinted windows would be measured by the Council's testing garages.

Members asked that page 51, paragraph 11.11 be amended to read: 'As of 11 October 2013, where currently licensed vehicles have factory tinted/privacy glass fitted and are able to provide documentary evidence of this, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.'

It was **RESOLVED** that the Committee;

- i) approved the amended Guidance Notes and Conditions document at Annex A of the agenda papers with the inclusion of the amendment detailed above and recommended the document be put forward for consultation
- ii) asked that officers bring back a report to the next meeting on the results of the consultation

11. **Health and Safety Law Enforcement Plan**

The Committee were asked to approve the publication of the Health and Safety Law Enforcement Plan for 2013-14 and note the outturn report for 2012-13 as set out in Part 2.

It was reported that the Committee had already had sight of the bulk of the report; the main amendment was on p.116 which set out performance for the previous year.

In response to members' queries about the capacity to take on the apparent additional workload in the coming year, it was reported that regulatory services were resourced such that the service capacity brought it into the lowest quartile nationally. As reported in the ECC Service Plan Regulatory Services was not resourced as a high priority and officers would find the year ahead challenging.

It was reported that the low number of prosecutions in the borough reflected that the majority of businesses generally were compliant. Businesses on the whole, responded well to Improvement Notices, they took on board advice from officers and put it into practice, negating the need for prosecutions.

It was **RESOLVED** that the Committee;

- i) approved for publication the Health and Safety Law Enforcement Plan for 2013-14 and note the outturn report for 2012-13 as set out in the Annex in the agenda papers.

12. **House to House Collections**

This report was brought to the Committee following an item raised at a previous Committee when members were advised of a decision by the Cabinet Office to allow an appeal by a textile collection company upon the refusal of Cardiff City Council to issue a House to House Collection Licence.

The report further informs members on the grounds and reasons for the decision and makes recommendations on how this decision should influence the policy presently adopted by Bracknell Forest to assess the granting of such applications.

The Committee agreed that if collections were being undertaken for a charity, the majority of this money should continue as now to go to the charity concerned at least 80% should be passed on to the charity by the collector.

Members noted that Cardiff City Council had not pursued a judicial review and that the result of a judicial review would have been note worthy.

It was **RESOLVED** that;

- i) the current requirement for 80% of the proceeds of the collection to go to the charity be retained
- ii) officers review the information on the Council's website to ensure that residents receive clear information on local options for the recycling of textiles and other goods to assist residents to make informed choices.

13. Hackney Carriage Surcharge

The Committee noted the information report.

14. Deregulation of Entertainment and Alcohol Licensing

Members expressed concerns that community venues would not require a licence between 08.00 and 23.00; they asked that officers bring back another report with further detail around how these events were to be hosted by the organisation who owned the premises.

Once this was clarified it would also be important to get the message out to community venues around the changes in licensing arrangements.

15. Scrap Metal Dealers Act 2013

The Committee noted the information report and commented that they hoped that this legislation would make it easier to deal with repeat offenders.

16. Mobile Homes Act 2013

The Committee noted the information report.

CHAIRMAN

**TO: LICENSING AND SAFETY COMMITTEE
9 JANUARY 2014**

**FEES AND CHARGES 2014-2015
Chief Officer: Environment and Public Protection**

1 PURPOSE OF REPORT

- 1.1 Each service area is required to review the fees and charges it levies on behalf of the Council as part of the budget process. At its meeting on 10 October 2013 the Committee agreed certain fees which require a period of consultation in accordance with the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 The consultation has been conducted and the Committee is required to consider any representations received and to set fees to be applied from 1 April 2014.

2 RECOMMENDATION(S)

- 2.1 **That the Committee considers any representations made and sets the fees to be applied to any new or renewed licence starting from 1 April 2014.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 The recommendations recognise restrictions placed by statute and the need for consideration of representations before a final decision is made.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 If there are no representations then the fees agreed on the 10 October 2013 will be included with all other fees and charges and be put forward for public consultation by the Council.

5 SUPPORTING INFORMATION

- 5.1 Fees charged for the licensing of hackney carriages, home to school vehicles and private hire vehicles and operators are required by section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to be advertised and any representations considered by the Committee prior to any final setting of those fees.
- 5.2 A notice in accordance with the legal provisions was placed within the Bracknell and Wokingham Times published on 5 December 2013. In addition a notice was placed on the noticeboard within Customer Services at Time Square. The closing date for representations was 2 January 2014. This notice is attached as Annex A.
- 5.3 Any representations received will be presented on the evening of the Committee meeting and may be supported through public speaking.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal provisions are contained within the report.

Borough Treasurer

- 6.2 For planning purposes it has been assumed that income from fees and charges will increase in line with the Council's general inflation forecasts i.e. averaging 2.5% over the three year planning period. General inflation is expected to be 2.5% for 2014/15.

Equalities Impact Assessment

- 6.3 There are no direct consequences in this report for any group.

Strategic Risk Management Issues

- 6.4 There are no issues to consider.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Members of the public and the taxi trade were consulted through an advertisement in the local paper as legally required. In addition a notice with the same content as the advertisement was displayed in a prominent position within the Customer Services area of Time Square.

Method of Consultation

- 7.2 See paragraphs 5.2 and 7.1.

Representations Received

- 7.3 At the time of writing the report no representations had been received.

Background Papers

Fees and Charges 2014-2015 - Licensing and Safety Committee – 10 October 2013

Contact for further information

Robert Sexton

Head of Regulatory Services

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BRACKNELL FOREST BOROUGH COUNCIL

**Local Government (Miscellaneous Provisions) Act 1976
Section 70 – Fees for Licensing of Hackney Carriages and
Private Hire Vehicles and Operators**

NOTICE IS HEREBY GIVEN that Bracknell Forest Borough Council proposes to vary the fees for licensing of hackney carriages and private hire vehicles and operators as follows:

Hackney Carriage Licence: £261
Private Hire Vehicle Licence: £261
Home to School Vehicle Licence: £133

Private Hire Operator Licence:

	1 year licence	3 year licence
1 vehicle:	£169	£405
2-5 vehicles:	£293	£712
6-10 vehicles:	£492	£1180
11-15 vehicles:	£680	£1634
16-20 vehicles:	£922	£2212
More than 20 vehicles:	£1110	£2664

A copy of this notice is available for public inspection during normal office hours at the Customer Service Centre, Bracknell Forest Council, Time Square, Market Street, Bracknell for 28 days from the date below.

Any objections to the proposed fees should be submitted in writing to the undersigned by 2 January 2014. If no objections are received, or any such objections are subsequently withdrawn, the revised fees will come into operation on 1 April 2014.

5 December 2013

**Robert Sexton
Head of Regulatory Services
Bracknell Forest Council
1st Floor Time Square
Market Street
Bracknell
RG12 1JD**

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TO: LICENSING AND SAFETY COMMITTEE
9 JANUARY 2014

**REVIEW OF GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE
AND PRIVATE HIRE VEHICLE OWNERS, OPERATORS AND DRIVERS
Chief Officer: Environment and Public Protection**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to bring to the attention of the Committee the results of the recent consultation on the amended version of the Council's Guidance Notes and Conditions document, and to highlight a proposed change to the vehicle specifications outlined in the document.

2 RECOMMENDATION(S)

2.1 That the Committee

- i) **notes the results of the consultation; and**
- ii) **approves the amended Guidance Notes and Conditions document at Annex A for implementation with immediate effect, subject to the additional changes as proposed at recommendation 2.1 (iv)**
- iii) **approves the proposal as set out in Para 5.3, and**
- iv) **approves the variation to the criteria for new vehicle licensing as outlined at 5.7, 5.8 and 5.9 in this report.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 The Council issues the Guidance Notes and Conditions document to owners, drivers and operators of hackney carriages and private hire vehicles. These notes are intended to set out the legal requirements and licence conditions and give guidance to the trade. The guidance notes are updated on a regular basis to reflect changes in law and Council policy.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Members may choose to vary the document at this stage, retain the original document, or to go out to further consultation on the Council's website with reference to the proposed changes to vehicle specification.

5 SUPPORTING INFORMATION

- 5.1. Attached at Annex A are the proposed new Guidance Notes for 2014 which were brought to this Committee on the 10 October 2013. The proposed amendments are shown in tracked changes.

Tinted Windows

- 5.2 Officers have consulted the taxi trade via newsletter at the start of December. The closing date for responses was the 7 January. In addition officers consulted with those garages approved by the Council to conduct the testing of licensed vehicles with respect to the inclusion of a light transmission test for tinted windows.

- 5.3 It has been established that testing garages do not maintain tint testing equipment as a matter of course. Should the testing of tinted windows become a compulsory requirement this would require for each garage a start up cost of approximately £650 for the equipment and an annual cost of £160 for calibration. An option would be for the Council to purchase the equipment and loan it to the authorised garages. The garage under the agreement could be required to keep it in good working order and this would include calibration of the equipment on an annual basis.

New Vehicle Classification

- 5.4 In addition to the proposed changes discussed at the previous Committee meeting, the Licensing Team has received two requests from trade representatives to license vehicles that do not meet the current minimum engine size requirement at section 11.5 of the guidance. It is recognised that the current engine size criteria may be outdated through technological advances in engine design. Research with other local authorities has revealed that a number, including Slough and Reading, use the Euro NCAP specification as criteria for initial vehicle licensing.
- 5.5 This approach has merit and is worthy of consideration. Currently, if a person presents a vehicle for licensing which is of a make and model not currently licensed, officers must take measurements of the interior dimensions to ascertain the vehicle's suitability. This is often a complicated (or impossible) task prior to the applicant purchasing the vehicle. Using an industry-wide recognised method of classifying passenger vehicle into categories and then choosing the groups that are suitable to be licensed allows for clear and concise boundaries to be drawn.
- 5.6 Such a change would result in the removal of sections 11.3 and 11.5 of Annex A and would only apply to new vehicle licence applications. For clarification, the changes would not in any way affect the criteria requiring hackney carriages to be wheelchair accessible vehicles as outlined in section 11.2 of Annex A.
- 5.7 It is proposed that new vehicles will only be licensed which fall within the following Euro NCAP categories:
- i) Large family
 - ii) Executive
 - iii) Small MPV (for 4 passengers only)
 - iv) Large MPV
 - v) Large Off-Road 4x4

A table showing examples of the types of vehicles included in each category is attached at Annex B to this report.

- 5.8 Any vehicles which do not fall within the appropriate Euro NCAP may be considered for licensing on a case by case basis. In particular it is envisaged that exceptions could be made for 'green' vehicles such as the Toyota Prius. However these vehicles will only be licensed for an appropriate number of passengers depending on the number of seats and internal dimensions of the vehicle, with a minimum seat width and depth of 16" (41cm) per passenger. It is recommended that prior to purchasing any such vehicle advice be sought from the Licensing Team.
- 5.9 In addition to the above, to provide clarity to those applicants wishing to obtain a dispensation from display of the vehicle plate for vehicles engaged solely in chauffeur/corporate/executive work, section 20.3 of the Guidance Notes and Conditions would be amended to specify that only vehicles of the following Euro NCAP categories:

- i) Executive
- ii) Large Off-Road 4x4

will be able to obtain a dispensation. Any vehicles which do not fall within these categories could be considered for dispensation on a case by case basis, in particular those vehicles meeting the definition of a 'prestige vehicle' as defined in Appendix G of the Guidance Notes and Conditions document. It is recommended that prior to purchasing any such vehicle advice be sought from the Licensing Team.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are identified within the report.

Borough Treasurer

- 6.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 6.4 There are no implications arising from the recommendation in this report.

7 CONSULTATION

Principal Groups Consulted

- 7.1 All holders of current licences and the general public.

Method of Consultation

- 7.2 A section in the Newsletter drew the attention of licence holders to the consultation details were placed on the Council website.

Representations Received

- 7.3 At the time of writing the report no representations had been received. Any responses received from the taxi trade will be reported verbally to the committee at the meeting

Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers - Licensing and Safety Committee 10 October 2013.

Contact for further information

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**Guidance Notes and Conditions for Hackney
Carriage and Private Hire Vehicle Owners,
Operators and Drivers**

January 2014

www.bracknell-forest.gov.uk/licensing
licence.all@bracknell-forest.gov.uk

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Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators, Drivers

January 2014

1. General

1.1 The legislation relating to Hackney Carriage and Private Hire licensing is contained in the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976, as amended by the Transport Act 1985. This legislation applies throughout the whole of Bracknell Forest Borough.

1.2 In these Guidelines, the following abbreviations have been used:

TPCA	-	The Town Police Clauses Act 1847
LG(MP)A	-	The Local Government (Miscellaneous Provisions) Act 1976 (Part II)
TA	-	The Transport Act 1985
RTA	-	The Road Traffic Act 1991
DDA	-	Disability Discrimination Act 1995
BF(LC)	-	Bracknell Forest Licence Conditions
BF(G)	-	Bracknell Forest Guidance

1.3 These notes are issued to define and offer guidance on the legislation in relation to the provision of Hackney Carriages and Private Hire vehicles within the Borough of Bracknell Forest. Any requirements stated as BF(LC) must be regarded as conditions of the relevant licence.

Public Records

1.4 Information held by the Council is Data Protected, however there is a requirement for a 'Public Register' to be kept available for the free public inspection of licences granted. This should only give information in respect of:

Hackney Carriage Vehicles:

Proprietor's name
Registration and licence number
Date and period for which licence granted
Offences committed by proprietor
Offences committed by driver

Private Hire Drivers:

Name
Date and period for which licence is granted
Licence number

Enforcement Policy

1.5 The purpose of this Policy is to help your business comply with legislation in a manner that is equitable and without placing an unreasonable burden on anyone. The 4 guiding principles enshrined in this Policy are as follows:

- Fairness: to ensure a fair and even-handed approach.
- Proportionality: to ensure that action taken relates directly to the actual or potential risk to health, safety, the environment, or economic disadvantage to the consumer or business.
- Transparency: to ensure that the reasons for taking any form of enforcement action are understood by those having to comply, and that clear distinctions are made between legal requirements and advice or guidance.
- Objectivity: to ensure that decisions are not influenced by the gender, ethnic origin, religious or political beliefs or sexual preferences of the offender, victim or witnesses. Sensitive consideration will be given where persons involved are children, elderly, infirm or suffering from a mental disorder.

1.6 A copy of the Enforcement Policy is available on request from the Reception at Time Square or at www.bracknell-forest.gov.uk.

2. Types of Licence

Hackney Carriage Vehicle

Private Hire Vehicle

Home-to-School Vehicle

Dual Driver - licensed to drive both Hackney Carriages and Private Hire Vehicles

Private Hire Driver

Home-to-School Driver

Chauffeur Driver

Private Hire Operator

2.1 Please note that although reminders are sent, it is the responsibility of the licence holder to ensure that a renewal application is submitted at least one month prior to the expiry of the licence.

2.2 Please note that if a driver's licence has lapsed for a period exceeding 6 months then a full new application will be required.

3. Fees

3.1 Alterations to vehicle and operator fees are required to be advertised by notice in a local newspaper.

LG(MP)A s70 (3)

3.2 The notice will be displayed in the Council's office for at least 28 days (generally during October to February) to allow for any objections to be made. These fees will apply to all licences due on or after 1 April. No increase in fees can take place until the notice period has expired. As the Council bases its fees on the provision of the service, no refunds shall be made except in exceptional circumstances.

BF(G)

3.3 The Council reviews all fees periodically and the current scale of fees is available on request or at www.bracknell-forest.gov.uk/licensing. Fees can be paid by cash, cheque, or credit/debit card at Reception or by ringing 01344 352000 for credit/debit card payment only. Online payments can be made at <http://www.bracknell-forest.gov.uk/onlinepayments>.

BF(G)

4. How to Apply

4.1 Details are available from the Customer Service Centre at Time Square. Information and forms are also available at www.bracknell-forest.gov.uk/licensing.

BF(G)

4.2 Faxed copies and photocopies of documentation such as DVLA licences will not be accepted.

BF(G)

5. Driver Licence - Requirements

5.1 All new applicants will be required to complete an application for an enhanced disclosure from the Disclosure and Barring Service (previously known as the CRB).

LG(MP)A s59

5.2 Only DBS enhanced disclosures with Bracknell Forest Council as the registered body will be accepted.

DBS Code of Practice

5.3 Any DBS enhanced disclosure presented at time of application which is more than 12 months from date of issue will not be accepted. If a disclosure was issued more than 3 months but less than 12 months prior to the date of application, the applicant will be required to sign a declaration regarding convictions or pending cases since the issue of the disclosure.

BF(LC)

5.4 Existing drivers will be required to submit a new DBS disclosure application every 3 years or as required by the Licensing Section. There is a fee to be paid for checks made by the Disclosure and Barring Service.

BF(LC)

5.5 All licensed drivers are required to report details of **any** convictions, cautions or fixed penalty fines imposed within 28 days of the conviction, caution or fixed penalty. Details should be entered on the relevant form 'Notification of Convictions etc', which is available from Reception.

BF(LC)

5.6 All applicants who do not hold a UK passport and have not been resident in the UK for the previous 5 years are required to obtain a certificate of good conduct or equivalent from their relevant Embassy or High Commission.

BF(LC)

5.7 Applicants must have held a full DVLA/EU/EEA driving licence for at least 1 year prior to application. Driving licences and photo-cards (if applicable) must be produced on initial application and renewal of driver licence. Photocopies will not be accepted. Drivers with non-DVLA licences will be required to obtain a paper counterpart driving licence from the DVLA in order to take the DSA practical test.

BF(LC)

5.8 All new drivers will be required to complete a mandate so the Council can verify their driving licence details. For existing drivers, this check will be required to be completed at the same time as the DBS disclosure and then every 3 years after that.

BF(LC)

5.9 Section 57(2a) requires applicants to produce a certificate signed by a registered medical practitioner to the effect that they are physically fit to be the driver of a Hackney Carriage or Private Hire Vehicle.

LG(MP)A s57(2a)

5.10 A medical certificate on the prescribed BFBC form must be supplied with the first application. On attaining the ages of 50 years, 55 years, 60 years and 65 years of age, and thereafter at yearly intervals a further certificate must be supplied and at any other time that the Council's Medical Adviser shall direct. The DVLA Group 2 Medical Standards apply. In the case of insulin-treated diabetics, the DVLA Group 2 Standards for drivers of category C1 vehicles apply. Further details are available on request from the Licensing Section.

BF(LC)

5.11 A medical will only be valid as part of the application process for a period of 12 months from its date of issue. Should an application not be completed within that period of time, a new medical declaration must be obtained.

BF(LC)

5.12 All licensed drivers are required to notify the Licensing Section in writing within 7 days of any medical condition which may impact on their fitness to drive a vehicle. The Council may require the driver to undergo a medical to ensure that they are medically fit to drive.

BF(LC)

5.13 All new applicants for driver licences must take and pass the Driving Standards Agency practical test specifically designed for Hackney Carriage and Private Hire Drivers. Applicants for home to school, chauffeur and private hire driver licences must take and pass the 'Private Hire Saloon' test; and applicants for dual driver licences

must take and pass **both** the 'Hackney Saloon' and 'Wheelchair Exercise' tests.

BF(LC)

5.14 All new licensed drivers are required to attend a First Aid Course run by the Council, unless they can provide proof that they have passed a recognised First Aid course within the last five years.

BF(LC)

5.15 All licensed drivers are required to attend a First Aid course five years after the date of their initial course, or when their current certificate expires.

BF(LC)

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5.15 All licensed drivers first licensed prior to August 2001 who have not attended a First Aid Course run by the Council must do so by April 2011, unless they can provide proof that they have passed a recognised First Aid course within the last 5 years.¶
BF(LC)¶

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5.16 Where a driver fails to attend a First Aid course without reasonable excuse, their licence will be suspended until the course is attended. Failure to attend a booked course will mean a further fee is required to be paid to make a new booking.

BF(LC)

5.17 All licensed drivers are required to wear their driver's badge in a prominent position and manner so that it is plainly and distinctly visible.

LG(MP)A s54

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5.18 A driver may display the badge within the vehicle in a prominent position and manner so that it is plainly and distinctly visible.

BF(G)

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5.19 Any change of details (name or address) must be notified to the Licensing Section within 7 days using the appropriate form, which is available from Reception.

TPCA s44

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5.20 Licensed drivers may not initiate any dialogue of a sexual nature with a passenger. Licensed drivers are not permitted to have sexual contact, even with consent, with a passenger whilst on duty or in a licensed vehicle.

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BF(LC)

6. Knowledge Test

6.1 All new drivers will be required to take and pass a written knowledge test. Chauffeur driver and Home to School driver applicants will be exempt from the geographical section of the knowledge test only.

LG(MP)A s51

6.2 All drivers will be tested on the laws relating to the licence that they have applied for, the conditions laid down in the Guidance Book, and their geographical knowledge of locations in the area. In addition, Hackney Carriage drivers will be given an oral test of specific routes to destinations in the Borough. If the applicant fails the test, they may re-take it but will be charged for any subsequent test. A pass mark of 80% applies to all sections.

BF(LC)

6.3 Any driver who may require assistance in reading or understanding the test should notify the invigilator at the beginning of the test.

BF(G)

7. Driving Disqualifications

7.1 Where any applicant for a **new** licence has been disqualified from driving (whether for a single offence or under “totting up”), a licence will not be granted until the applicant has (since the period of disqualification has ended) held a full driving licence for a continuous period of 2 years (3 years for a conviction involving alcohol or drugs

and 5 years for more than one conviction or after completion of treatment for alcoholism or drugs).

BF(LC)

7.2 Where any licensed driver is disqualified from driving under “totting up”, providing the period of disqualification does not exceed 12 months, upon the restoration of the applicant’s driving licence, the Council will re-issue a dual or private hire driver’s licence. In the event of the applicant being convicted of any further endorsable offence or issued with any confirmed warning within a period of 12 months, the Council may take action to revoke or suspend the licence.

BF(LC)

7.3 Where a conviction is in relation to driving whilst over the legal limit of alcohol or has resulted in a disqualification of 12 months or more, the Council will refuse to issue a licence for a period of up to 3 years from date of restoration of DVLA driving licence.

BF(LC)

7.4 Where any licensed driver is disqualified from driving for any such reason, he/she shall immediately return his driver’s licence and badge to the Council.

LG(MP)A s61(2)

8. Unauthorised Drivers

8.1 It is an offence to allow an unlicensed driver to drive a Hackney Carriage or a Private Hire vehicle. A licensed vehicle is licensed for 365 days a year and can only be driven by licensed drivers at all times.

LG(MP)A s46

9. Vehicle Licence - Requirements

9.1 All vehicles must be passed as fit by a Vehicle Inspector at an approved garage.

LG(MP)A s68

9.2 Vehicles submitted for inspection **must** be in a clean condition throughout including the underside and engine compartments. The Vehicle Inspector has the right to refuse inspection if they are of the opinion the vehicle is not in a clean condition. In such circumstances the vehicle will require a new inspection appointment which will necessitate a new inspection fee. See section 14 for more details on vehicle inspections.

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BF(LC)

9.3 The vehicle should be maintained in a clean and comfortable condition at all times.

BF(LC)

9.4 Licensed vehicles are smokefree at all times.

Smoke-free Regulations 2007

9.5 A vehicle may only be licensed by one local authority at any given time.

BF(G)

10. Age of Vehicle

10.1 A vehicle submitted for initial licensing must be less than 5 years old or, if wheelchair accessible, less than 4 years old from date of first registration. The maximum age of a vehicle that may continue to be licensed is 8 years from date of first registration for saloon and estate vehicles, and 10 years for a purpose-built Hackney Carriage.

LG(MP)A s47 and 48

BF(LC)

10.2 A prestige vehicle (as defined in Appendix G) may be submitted for initial licensing if it is less than 9 years old provided that it meets the “exceptional condition” criteria detailed in Appendix G and has travelled less than 150,000 miles.

*LG(MP)A s48
BF(LC)*

10.3 In cases where a vehicle has done an abnormally low mileage and is in exceptional condition, it may, on application, be granted an extension on the age limit. Such an extension may be subject to certain conditions. For more details please see Appendix G.

BF(LC)

10.4 Any such application must be received in writing by the Licensing Section at least 3 months prior to the date upon which the vehicle becomes 8 years old.

BF(G)

10.5 The vehicle shall be subjected to a visual inspection by the Licensing Section. It is the responsibility of the owner to submit the vehicle on the date at the place as arranged.

BF(LC)

10.6 The vehicle owner will receive a decision in writing within 10 working days after the inspection.

BF(G)

11. Type of Vehicle

11.1 All replacement Hackney Carriages must be wheelchair accessible. Vehicles with twin telescopic wheelchair ramps must also have a winch fitted to assist entry/exit.

*LG(MP)A s47
BF(LC)*

11.2 All Wheelchair Accessible Vehicles must have a national or single type approval certificate incorporating the modification.

BF(LC)

11.3 Private Hire Vehicles shall be of the four-door saloon or five-door estate type and must be capable of carrying not less than 4 passengers.

LG(MP)A s48

BF(LC)

11.4 A Private Hire vehicle must not be of such design or appearance as to lead any person to believe it is a Hackney Carriage.

LG(MP)A s48

11.5 From 1 April 2009, all vehicles issued with a new licence must comply with the following minimum requirements:

- (i) Engine capacity 1550cc
- (ii) Seat width 16" (41cm)
- (iii) Rear height (seat to roof from point of contact between cushion and back of seat) 30" (76cm)
- (iv) Depth of seat 17" (43cm)
- (v) Knee space (from point of contact between cushion and back of seat to the back of the seat in front) 26" (66cm)

BF(LC)

11.6 Where the vehicle is an estate car, a guard must be fitted to prevent luggage entering the passenger compartment in an emergency stop. Roof racks may only be used when excess luggage is to be carried. Please see section 15 regarding the use of trailers.

BF(LC)

11.7 A vehicle can only be licensed to carry up to a maximum of 8 passengers. Any licence issued relates to a number of persons to be carried regardless of weight, age or size, and to exceed that number is an offence.

LG(MP)A s30

11.8 Some purpose-built vehicles can carry up to 8 passengers including those seated in wheelchairs. In this case, each seat and person seated in a wheelchair count in respect of seating capacity.

LG(MP)A s80

11.9 A stretched limousine vehicle modified and issued with a certificate under either the

- (i) Lincoln Qualified Vehicle Modifier Scheme or
- (ii) Cadillac Master Coachbuilder Scheme

would be acceptable for presentation and licensing as a Private Hire vehicle.

BF(G)

11.10 All licensed vehicles (except for private hire vehicles with a dispensation) must meet the following requirements:

- (i) Light transmitted through the **windscreen** must be at least 75%
- (ii) **All other windows (both front and rear)** must allow at least 70% of light to be transmitted

Setting an approved level of tint on the rear passenger windows of licensed vehicles ensures that applicants have no doubt as to what vehicles can be purchased as well as maintaining high safety standards. Many vehicles are used for the carriage of children and vulnerable persons and excessively tinted windows may lead to activities taking place in the vehicle not being visible to persons outside,

which poses a risk to both passengers and drivers, and vulnerable passengers such as lone females will feel safer in a vehicle where they can be seen. Officers need to be able to ensure the maximum number of passengers is not being exceeded. In addition, excessively tinted glass may restrict the vision of the driver, especially in dark conditions, which may prevent the driver from seeing other road users or pedestrians.

BF(LC)

11.11 Where currently licensed vehicles as from 11 October 2013 have factory tinted/privacy glass fitted and are able to provide documentary evidence of this, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.

BF(LC)

11.12 Where currently licensed vehicles as from 11 October 2013 have had a tinted film fitted to the vehicle (i.e. not factory fitted at time of manufacture), they will be required to have the film removed prior to the next vehicle inspection. Failure to do so will result in the vehicle failing the inspection.

BF(LC)

12. Carriage of Goods or Packages

12.1 The driver of a vehicle is under a duty of care to the passengers to ensure that they travel safely. The carriage of goods or packages in the interior of the vehicle may put passengers and drivers at risk of injury if the items are not properly secured. Ideally they should be located in an area outside the passenger compartment, e.g. the boot, or in vehicles with a separate driver area, in the footwell adjacent to the driver. If goods are carried in the passenger compartment and a passenger suffers harm due to the presence of the goods, the driver may be

liable to pay damages to the passenger. Drivers are strongly advised to check with their insurance company, to avoid carrying any loose goods in the passenger compartment, and to explain clearly to passengers the risk they face in having such goods in the compartment.

BF(G)

13. Insurance and MOT Certificate

13.1 It is the responsibility of the owner of the vehicle to ensure that a current insurance certificate and MOT certificate are in place for a licensed vehicle.

LG(MP)A s57

13.2 Insurance cover must be for a minimum period of four weeks. A cover note or certificate of insurance must be produced to the Licensing Section prior to or on the day of expiry of the previous certificate.

BF(LC)

13.3 Faxed copies will not be accepted; original certificates must be produced. Photocopies of documentation can only be made by Bracknell Forest Council staff. Electronic copies may be accepted, provided the Licensing team can verify the information provided.

BF(G)

13.4 A valid MOT certificate must be submitted with each application for a vehicle licence, if required. The MOT certificate must be made available for inspection upon request by an authorised officer. Please note that the vehicle inspections carried out by the authorised garages include the elements of an MOT.

BF(LC)

14. Vehicle Inspection

14.1 Vehicles up to 5 years old from the date of first registration at DVLA will be subject to an annual inspection. Once a licensed vehicle reaches 5 years old from date of first registration, it will require an inspection within the next 6 months, and will be subject to 6-monthly inspections thereafter.

BF(LC)

14.2 For a vehicle solely engaged in home/school transport, once the vehicle reaches 5 years old from date of first registration, it will require an inspection within the next 6 months and will be subject to 6-monthly inspections thereafter, unless it is demonstrated that the vehicle is covering less than 8000 miles per year.

BF(LC)

14.3 The owner of the vehicle is responsible for ensuring that inspections are carried out as and when required. Details of the authorised garages are available on request from Reception or at www.bracknell-forest.gov.uk/licensing.

*LG(MP)A s68
BF(LC)*

14.4 The vehicle owner will be advised in writing one month prior to the month in which an inspection is due. It is then the responsibility of the owner to make the necessary arrangements directly with one of the authorised garages to ensure the inspection is carried out. If an inspection is not carried out by the due date, the licence will be suspended until such a test has been passed.

BF(LC)

14.5 Any failure for an MOT matter will be an immediate failure. Non-MOT matters and MOT advisories will be

reported to the Licensing Officer who will contact the licence holder and decide on a course of action on a case by case basis.

BF(LC)

14.6 It is a requirement that a spare wheel/wheel-changing equipment must be carried at all times, unless all 4 wheels are using 'run flat' tyres which have been approved by an authorised officer of the Council.

BF(G)

15. Trailers

15.1 Trailers can only be used in connection with Private Hire bookings and cannot be used when plying for hire on a rank.

*LG(MP)A s48
BF(LC)*

15.2 Trailers must comply with the following standards:

- Unbraked trailers shall be less than 750kg gross weight.
- Trailers over 750kg gross weight shall be braked acting on at least two road wheels.
- The towing vehicle must have a kerb weight at least twice the gross weight of the trailer.
- A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer whenever in use.
- The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
- The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
- The maximum length for braked twin axle trailers is 5.54 metres.

- The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- The vehicle insurance must reflect cover for towing a trailer.
- Trailers must not be left unattended anywhere on the highway.
- The speed restrictions applicable to trailers must be observed at all times.

*LG(MP)A s48
BF(LC)*

16. Equipment

16.1 Every licensed vehicle shall be fitted with a 1kg BC dry powder type fire extinguisher, which must be kept full and ready for immediate use. It should be securely restrained to prevent damage or accidental discharge and must be marked in permanent ink with the vehicle licence plate number. The extinguisher must comply with BSEN3 (European Standard). It must be serviced in accordance with BS5306 on an annual basis, and a record kept for inspection by authorised officers.

*LG(MP)A s48(2)
BF(LC)*

16.2 Every licensed vehicle shall carry a first aid kit in such a position as to be readily visible and available for immediate use in an emergency. The First Aid kit shall at a minimum contain the recommended contents for a travelling worker as suggested in the HSE Guidance leaflet L74 “First Aid at Work”:

- HSE leaflet “ Basic Advice on first aid at work”
- 20 individually wrapped sterile plasters (assorted sizes)
- 2 sterile eye pads

- 6 medium and 2 large individually wrapped unmedicated wound dressings
- 4 individually wrapped triangular bandages (preferably sterile)
- 6 safety pins
- 1 pair of disposable gloves.

It is advised not to include ointments or painkillers in the first aid kit.

*LG(MP)A s48(2)
BF(LC) & BF(G)*

16.3 Every licensed vehicle shall carry a replacement bulb kit appropriate to the vehicle.

BF(LC)

17. Use of Mobile Phones and Radios

17.1 Only one two-way radio with a single frequency may be operational at any one time and this shall be an approved radio used exclusively for the hackney carriage/private hire trade and properly licensed with an effective radio power (ERP) **NOT** exceeding 25 watts.

*Wireless Telegraphy Act 1949
BF(LC)*

17.2 A hand-held mobile phone or radio handset must not be used whilst the vehicle is in motion. It is a criminal offence to use a hand-held mobile phone whilst driving. A driver can also be prosecuted for using a hands-free device if they are not in proper control of their vehicle. Drivers must not stop on the hard shoulder of a motorway to answer or make a call unless it is to dial 999.

RTA

18. Signs

18.1 All licensed vehicles must display 'No Smoking' signs in each compartment.

Smoke-free (Signs) Regulations 2007

18.2 Private hire vehicles must not display a roof sign.

BF(LC)

18.3 Private hire vehicles may display signs on the front doors, provided the sign does not exceed 50cm length and 25cm height, and contains the operator name and telephone number and the words 'Advance Bookings Only'. No other words, devices or logos are permitted.

LG(MP)A s48(2)

BF(LC)

18.4 The sign may be attached by means of adhesive transfer or magnetic catches, and must be submitted for approval by the Licensing Section before being used.

BF(LC)

18.5 Hackney Carriages must display a roof sign with the word "TAXI", which **must** be illuminated when plying for hire. Door signs may be displayed complying with the conditions listed above, but excluding the words "Advance Bookings Only". The TAXI roof sign may only be removed with permission of the Council or when working outside the Borough.

BF(LC)

LG(MP)A s47(2)

18.6 All hackney carriages which display liveried advertising on the vehicle must apply for approval to ensure the advertisement meets the criteria detailed in Appendix F. A fee is payable for this application, and an inspection of the vehicle will be required.

BF(LC)

19. Identification Plates/Screen Stickers/Badges

19.1 Licence plates must be securely fixed to the rear of the vehicle either by directly fixing it to the bumper or on a secure bracket. The screen sticker must be displayed in the lower nearside corner of the front windscreen. It is an offence not to exhibit the licence plate and screen sticker.

*TPCA s51
LG(MP)A s48(6)
BF(LC)*

19.2 The vehicle licence must be carried within the vehicle and be available for inspection by an authorised officer.

BF(LC)

20. Private Hire Vehicle Dispensation

20.1 The Council may grant a dispensation to certain private hire vehicles which are engaged **solely** in chauffeur/corporate/executive work. No payments should be made directly to the driver of such vehicles.

BF(LC)

20.2 A licence plate will not be required to be fixed to the vehicle; however, the licence plate and dispensation certificate must be carried at all times.

LG(MP)A s75(3)

20.3 The vehicle shall be of the 4-door executive class with an engine capacity of not less than 1950cc, and be approved by the Council as being eligible for dispensation. The internal measurement must not be less than **52” (132cm)** across the rear seat. All other conditions shall apply.

*BF(LC)
LG(MP)A s48(1ai)*

20.4 The screen sticker must still be displayed in the front windscreen at all times. Failure to comply will result in the loss of the dispensation.

LG(MP)A s48(2)
BF(LC)

21. Restricted Private Hire Licence Provisions

21.1 All vehicles and drivers operating for hire or reward must be licensed by the local authority.

LG(MP)A s46(1a)

21.2 For drivers and vehicles engaged **solely** in the transport of children from home to school, a specific Home to School transport licence is available.

BF(G)

21.3 For drivers of private hire vehicles which are engaged **solely** in chauffeur/corporate/executive work **and** have a dispensation issued by the Council, a specific Chauffeur driver licence is available.

BF(G)

21.3 The Council has discretion to allow vehicles that do not conform to certain private hire vehicle requirements to be licensed as Home to School transport vehicles.

LG(MP)A s48
BF(G)

21.4 Drivers and vehicles must comply with all other requirements as stated in this document.

BF(LC)

22. Transfer of Vehicles to New Owners

22.1 The licence is issued in respect of a specific vehicle, and cannot be transferred to another vehicle without notice to the Council.

LG(MP)A s49(2)

22.2 Any owner transferring a licensed vehicle to a new owner must inform the Licensing Section in writing within 14 days of the transfer.

LG(MP)A s49(1)

22.3 It is the responsibility of the new owner to ensure that a transfer application is made, and to provide documentation as required for the issue of a new licence.

LG(MP)A s49(2)

23. Accidents

23.1 If a licensed vehicle is involved in an accident, even if there is only minor damage to the vehicle, the proprietor must inform the Licensing Section in writing within **72 hours** to allow the vehicle to be inspected and the damage assessed.

LG(MP)A s50(3)

BF(LC)

23.2 A vehicle licence will be suspended where major works are required. These repairs must be completed before the expiration of 2 months otherwise, by virtue of Section 68 of the 1976 Act, the vehicle licence shall be deemed to have been revoked.

LG(MP)A s68

23.3 With regard to minor damage, repairs should be effected within a period of 28 days of the incident otherwise the vehicle licence will be suspended until repairs have been completed to the satisfaction of the Licensing Officer.

BF(LC)

23.4 A temporary replacement vehicle will generally be required to be of a similar specification and standard as the vehicle it is replacing.

BF(G)

23.5 A temporary replacement vehicle will only be licensed under the original vehicle licence for a maximum of 2 months, to allow for repairs to be carried out on the original vehicle as mentioned previously in this section. The usual application process applies.

BF(LC)

24. Taximeter

24.1 Licensed vehicles equipped with a taximeter of approved design (compulsory for a Hackney Carriage, but optional for a Private Hire Vehicle) must be submitted for a meter test before operating in the Borough. Meters will be subject to further tests as and when required by the Council.

BF(LC)

24.2 Meters are tested over the “measured mile” by the Licensing Officer. The meter **must not** incorporate any other licensing authority’s fare structure.

BF(G)

24.3 If a meter has to be re-submitted for testing, a charge will be made.

BF(G)

24.4 Where a meter is fitted to **any** licensed vehicle, that meter must be used for the charging of any journeys that start and finish within the Borough. A current tariff card must be displayed within the vehicle.

BF(LC)

24.5 All licensed vehicles must have a programmed calendar date meter fitted. It must not be possible to change the tariff by manual operation.

BF(LC)

25. Authorised Table of Fares

25.1 Under Section 65(1) 'a district council may fix the rates or fares within the district as well as for time and distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table made or varied in accordance with the provisions of this section'.

LG(MP)A s65(1)

25.2 In the case of journeys ending outside the Borough where a prior agreement has been reached with the hirer, a lesser fare may be charged. Any fares charged **MUST NOT** be higher than that which would have been authorised in the Fares Table.

LG(MP)A s66

25.3 If a Hackney Carriage is used under a contract for private hire, it must not charge more than the fixed rate in the authorised fare table.

LG(MP)A s67

25.4 A charge is to be calculated from the point in the controlled district where the hirer commences his/her journey.

LG(MP)A s67

25.5 Any proposed variation to Hackney Carriage fares will be advertised by a notice published in a local newspaper, stating the proposed fares or variation of the fares. The notice will specify a date not less than 28 days from the date of the notice to allow any objections to be lodged.

LG(MP)A s65(2a)

25.6 A copy of the notice will also be available at the Council offices for inspection, free of charge during council opening times.

LG(MP)A s65(2b)

25.7 If no objections have been received when the 28 days have expired, the new fares will take effect.

LG(MP)A s65(3)

25.8 If objections are made and not then withdrawn, the Licensing and Safety Committee will consider the objections before setting the fare.

LG(MP)A s65(3)

26. Plying for Hire – Hackney Carriages

26.1 The penalty for plying for hire without a Hackney Carriage licence applies to both the owner and person in charge of the vehicle.

TPCA s45

26.2 “Plying for Hire” means either standing at a duly authorised rank in a street, railway station or on railway premises, on private property or driving within the Borough, exhibiting to the public that the vehicle is available for hire. Only licensed Hackney Carriages may “ply for hire”.

TPCA s45

27. Guide and Assistance Dogs

27.1 It is an offence for a driver to refuse to carry guide and assistance dogs unless the driver has a medical exemption certificate. These certificates are issued by the Council and details upon how to apply are available on request from the Licensing Section. A fee is payable for the application.

DDA s37(4)

27.2 Drivers, in making an application for an exemption, will need to provide medical evidence to support it.

DDA s37 (5)

27.3 This must be provided by a medical practitioner other than the applicant's general practitioner. If the exemption is being applied for on the grounds of a chronic phobia to dogs, the report must be provided by a psychiatrist or clinical psychologist.

BF(LC)

27.4 A driver may also commit an offence if they:

- do not accept bookings made by or on behalf of a disabled person who is accompanied by a guide, hearing or other assistance dog;
- make an additional charge for the carrying of the dog.

DDA s37

28. Carrying Disabled Passengers

28.1 Under Section 36 of the Disability Discrimination Act 1995, a wheelchair accessible Hackney Carriage must carry a wheelchair user if requested to do so. Assistance as may reasonably be required should be provided at no extra charge. Failure to comply with this section will make the driver, on summary conviction, liable to a fine not exceeding level 3 (£1000) on the standard scale.

DDA 1995 s36

28.2 All rear access wheelchair-accessible vehicles are to only pick up and set down wheelchair users in a location where it is safe to do so.

BF(G)

29. Supervision

29.1 An authorised Officer of the Council has the power at all reasonable times to inspect and test for fitness any vehicle licensed by the Council or any taximeter fitted in a licensed vehicle. If the officer is not satisfied as to the fitness of the vehicle or as to the accuracy of the taximeter, the proprietor or driver will be required to make the vehicle or taximeter available for further inspection and testing and the vehicle licence may be suspended until such time as the officer is satisfied as to its fitness.

LG(MP)A s68

29.2 If the vehicle is not made fit within 2 months, the vehicle licence will be automatically revoked.

LG(MP)A s68

29.3 Vehicles and drivers may be subject to spot checks carried out by authorised Officers.

LG(MP)A s68

29.4 It is an offence to wilfully obstruct an authorised Officer or fail to give such assistance or information as may be required or to comply with any reasonable requirement. It is also an offence to give false information.

LG(MP)A s73(1)

30. Operator Licences

30.1 An Operator Licence is required for the purpose of making provision for the invitation or acceptance of bookings for a private hire vehicle.

LG(MP)A s55

30.2 An operator can only use vehicles and drivers licensed by the same authority as the operator.

LG(MP)A s46

30.3 All bookings must be made through an operator with a fixed base holding the required operator licence (not through a mobile phone number).

LG(MP)A s55

BF(LC)

30.4 Under health and safety legislation, employer's liability insurance is required. Any premises that provide access to members of the public should also be covered by public liability insurance. As a rule of thumb, if the operator supplies the tools of the trade, for example the supply of a vehicle to a driver, or in the case of office-based personnel the radio equipment, they have a liability. The operator is responsible for ensuring that adequate liability insurance is in place. Insurance documentation should be available for inspection at any reasonable time by an authorised Officer.

LG(MP)A s55

BF(LC)

30.5 If an operator wishes to move to a new base, they should ensure the appropriate planning permission is in place and submit an application for a new operator licence for the new address. If the new licence is granted, the old licence may then be surrendered for a pro-rata refund.

BF(G)

31. Responsibility of Proprietor or Operator

31.1 The Council will hold the owner or proprietor of a Hackney Carriage or the owner or operator of a Private Hire vehicle responsible for the general condition and roadworthiness of the vehicle(s), and for ensuring that drivers are familiar with all conditions, legislation and byelaws regulating the operation of vehicles.

BF(G)

31.2 In certain instances therefore the proprietor or operator may be subject to enforcement action as a result of an offence committed by the driver of their vehicle.

LG(MP)A s50

31.3 The Council will take into account the circumstances of each offence and how far the proprietor has carried out their obligations in deciding whether to take any action against the proprietor.

BF(G)

31.4 The records required to be kept by the operator shall be kept in a manner, whether written or on a computer, which enables them to be examined or audited. The operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:

- a) Time and date of booking
- b) Name of the hirer

- c) How the booking was made (e.g. telephone)
- d) Price quoted for booking
- e) Time of pick-up
- f) Point of pick-up
- g) Destination
- h) Time at which a driver was allocated to the booking
- i) Driver's badge number or call sign of the vehicle allocated to the booking
- j) Remarks (including full details of any sub-contract).

LG(MP)A s56(2)

BF(LC)

31.5 All records kept by the operator shall be preserved for a period of not less than 6 months following the date of the last entry.

BF(LC)

31.6 If the operator uses a computerised record system, there must be a facility to be able to print a hard copy of the records immediately on the request of an authorised officer of the Council or police officer.

BF(LC)

31.7 The operator shall also keep the following records of the drivers and vehicles operated by him, which should be kept available at the base for inspection by an authorised officer or supplied to an authorised officer upon reasonable request:

- a) List of owner and all drivers of each licensed vehicle
- b) Copy of vehicle licence for all vehicles operated
- c) Copy of driver licence for all drivers operated
- d) Copy of insurance document/inspection/MOT
- e) List of all radio call signs used with names of drivers.

BF(LC)

31.8 Any changes in drivers or vehicles shall be notified to the Licensing Officer in writing within 48 hours.

LG(MP)A s56 (3)
BF(LC)

31.9 The operator shall provide a prompt efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

- Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall (unless delayed or prevented by sufficient cause) punctually attend at that appointed time and place. Where possible, the operator should contact the customer and inform them of any delay.
- Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public has access whether for the purpose of booking or waiting, and ensure that any waiting area provided by the operator has adequate seating facilities.
- Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- The use of Citizen Band Radio transmitter/ receiver will not be permitted in a licensed vehicle.

LG(MP)A s55(3)
BF(G)

32. Suspension, Revocation or Refusal of Licences

32.1 Any contravention will be dealt with in accordance with the Enforcement Policy (see Appendix D).

BF(G)

Vehicle Licences

32.2 The Council may suspend, revoke or refuse to renew a vehicle licence on any of the following grounds:

- The licensed vehicle is unfit for use as a Hackney Carriage or Private Hire vehicle

LG(MP)A s60

- Any offence under, or non-compliance with, the provisions of the 1847 or 1976 Acts by the proprietor, operator or driver.

TPCA

LG(MP)A s60

- Any other reasonable cause.

LG(MP)A s60

Driver Licences

32.3 The Council may suspend, revoke or refuse to renew a driver's licence on any of the following grounds:

- That he/she has since the granting of the licence:
 - been convicted of an offence involving dishonesty, indecency, violence, or driving with excess alcohol;
 - been convicted of an offence under or has failed to comply with the provisions of the 1847, 1976 and 1991 Acts as amended; or
 - any other reasonable cause.

LG(MP)A s61

Operator Licences

32.4 The Council may suspend, revoke or refuse to renew an operator's licence on any of the following grounds:

- any offence, misconduct under, or non-compliance with, the provisions of Part II of the 1976 Act as amended;
- any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- any other reasonable cause.

LG(MP)A s62

33. Appeals Procedure

33.1 Where a new or renewal licence application is refused, the applicant has a right of appeal to the Magistrates' Court, or to the Crown Court for Hackney Carriage vehicle licence applications. Where an existing licence is suspended or revoked, the licence holder has a right of appeal to the Magistrates' Court. An appeal must be lodged with either Court within 21 days of notification of the refusal, suspension or revocation.

LG(MP)A s52

33.2 The applicant/licence holder may also within 21 days make an application to appeal to the Council's Licensing Appeals and Representations Panel. Upon receipt of an application, the Chief Officer: Environment and Public Protection will decide if the matter is to be referred to the Panel. If referred, the applicant will be informed in writing of the date and time, and will receive information on their rights and the process of the hearing.

BF(G)

34. Return of Licences

Vehicle Licence

34.1 On the suspension, revocation or expiry of a vehicle licence, the proprietor must return the licence plate and screen sticker to the Council within 7 days of receipt of notice. Failure to do so can render the proprietor liable on summary conviction to a fine. Any authorised officer of the Council or a Police Officer shall be entitled to remove and retain the licence plate or screen sticker in such cases.

LG(MP)A s58

Driver's Licence

34.2 On the suspension, revocation or expiry of a driver's licence, the driver must return the badge and licence to the Council on demand. Any authorised Officer of the Council or a Police Officer shall be entitled to retain the licence in such cases.

LG(MP)A s58

34.3 The badge, plate and licence remain the property of the Council at all times.

BF(LC)

35. Offences

35.1 As well as the suspension or revocation of licences, it may be that the circumstances amount to a criminal offence. In such a case a prosecution for these may also be appropriate.

*LG(MP)A
TPCA*

36. Seat Belts and Child Seats

36.1 Hackney Carriage drivers are exempt by virtue of Regulation 5(h) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1982, providing they are seeking hire, answering a call for hire or carrying a passenger for hire, and the vehicle is carrying a plate showing it is a licensed Hackney Carriage. A similar exemption applies to a Private Hire Vehicle provided it is being used to carry a passenger for hire.

Motor Vehicles (Wearing of Seat Belts) Regulations 1982

36.2 Notwithstanding the legal requirements, where vehicles are fitted with a front passenger seat air bag, the driver must be aware of any manufacturer's instructions in relation to the age and height of the person sitting in the front seat. A failure by a driver to take account of those instructions may be regarded as a breach of their duty of care to customers.

*RTA
BF(G)*

36.3 The law on the use of child car seats is summarised as follows:

	Front seat	Rear seat	Who is responsible?
Child up to 3 years old	Correct child restraint MUST be used.	Correct child restraint MUST be used. If a restraint is not available in a licensed taxi/private hire vehicle, the child may travel unrestrained.	Driver

	Front seat	Rear seat	Who is responsible?
Child from 3rd birthday up to 135cm in height (approx 4' 5") (or 12th birthday, whichever they reach first)	Correct child restraint MUST be used.	Where seat belts are fitted, the correct child restraint MUST be used. The child must use an adult belt if the correct child restraint is not available as follows: - in a licensed taxi or private hire vehicle; or - for a short distance in an unexpected necessity; or - two occupied child restraints prevent fitment of a third. A child 3 years and over may travel unrestrained in the rear seat if seat belts are not fitted in the rear.	Driver
Child over 135cm in height (approx 4' 5") or 12 and 13 years old	Seat belt MUST be worn if available.	Seat belt MUST be worn if available.	Driver
Passengers aged 14 years old and over	Seat belt MUST be worn if available.	Seat belt MUST be worn if available.	Passenger

37. Complaints

37.1 Complaints received from members of the public regarding the service and conduct of drivers/vehicles and operators will be considered, and where appropriate, investigated by the Licensing Officer.

BF(G)

38. Service Standards

38.1 Within 2 clear working days of receipt of all documentation necessary to make a decision upon a licence application, we aim to:

- issue all the necessary documents, badges or plates, and notify you that they are ready for collection; or
- advise you of the reason for a delay or, in some cases, the reason for refusal.

BF(G)

38.2 Some applications require us to make enquiries of other agencies and they may take over 4 weeks to supply the necessary information.

BF(G)

38.3 When making an application, you are required to provide information and documentation as detailed on the application form. A failure by you to provide this will unnecessarily delay the decision on your application. Certain documents must be provided together at the same time and unless they are received as required, they will be returned to you and the application will be delayed until they are provided as requested.

BF(G)

38.4 Information provided on application forms is held on a database and will only be disclosed to other agencies where there is a legal requirement to do so.

BF(G)

38.5 Where new licence conditions are being considered, the Council will look to consult the trade. Where conditions are revised in line with new legislation, every effort will be made to advise the trade. Where a new condition is applied to a licence, the licence holder is entitled to appeal to a Magistrates' Court within 21 days of that application of the condition.

BF(G)

How to contact the department:

If you have any queries about an application or licensing matter, it is recommended that you contact the Customer Service Centre in person, by phone or by email. In the vast majority of cases they will be able to answer your queries, but if not then they will make arrangements for you to speak to a member of staff best able to deal with your enquiry.

Visit: Reception at Time Square, Market Street, Bracknell.
The office is open from 8.30am to 5.00pm Monday to Friday.

Telephone: 01344 352000

Email: licence.all@bracknell-forest.gov.uk

Write to:

Licensing Section, Time Square, Bracknell, RG12 1JD

Find us online:

www.bracknell-forest.gov.uk/licensing

APPENDIX A

Guidance on the Relevance of Criminal Records in respect of Applicants for Driver or Operator Licences

Unless otherwise specified, all applicants must complete a Disclosure and Barring Service application form prior to the grant of a licence and then every three years or as requested by the Licensing Section.

All past convictions will be considered against the following guidelines and other relevant guidance. For the purposes of this document “convictions” include a caution where the offender has formally admitted the offence in writing as required within Home Office circular 016/2008. Examples of the relevance of past convictions in relation to the grant, renewal, suspension and revocation of driver and operator licences are detailed below. It must be stressed that these examples are for guidance only and every case will be judged on its merits, with the overriding principle being that of the protection of the public, both customers and other road users. Where multiple convictions of a similar type have occurred, a minimum period of five years free from conviction may be required.

1. Minor traffic offences

Convictions for minor traffic offences (e.g. obstruction, waiting in a restricted street or speeding) should not prevent a person from proceeding with an application.

However, if sufficient penalty points have been accrued to require a period of disqualification of the applicant’s DVLA driving licence, then a licence may be granted after its restoration, but a warning will be issued as to future conduct.

2. Major traffic offences

An isolated conviction for reckless driving or driving without due care and attention etc. will normally merit a warning as to future driving, and advice on the standard expected of licensed drivers. More than one conviction for this type of offence within the last two years should merit a refusal. No further application should be considered until a period of three years from the last conviction has elapsed.

3. Intoxication through use of alcohol or illegal drugs

Offences related to use of motor vehicle

A serious view is taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol or illegal drugs.

Where there is a recent conviction for this type of offence, the application will be refused. At least three years should elapse (after the restoration of the DVLA driving licence) before the applicant will be considered for a licence. Applicants may also be required to undergo a special medical examination. If an applicant is found to be an alcoholic or dependant on illegal drugs, or where there is more than one conviction of this type, a period of five years from completion of treatment or restoration of the licence should elapse before a further application is considered.

Offences not related to use of motor vehicle

An isolated conviction for drunkenness need not debar an applicant from being granted a licence. However, more than one conviction for drunkenness could indicate a medical problem necessitating a special medical examination. In some cases, a warning may be sufficient.

An applicant with a conviction for a drug-related offence will be required to show a period of at least three years free of convictions before an application is entertained, or five years after detoxification treatment if they were dependant on illegal drugs.

4. Indecency offences

Applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, will normally be refused.

5. Violence

Any convictions for violence such as grievous bodily harm, wounding or assault, will be refused until at least five years has elapsed from the expiry of any sentence.

6. Dishonesty

Applicants with a single conviction for a minor incident will be refused until there has been one year free from conviction. Applicants with two convictions for minor incidents will be refused until there has been three years free from conviction. Applicants with more than two convictions for minor incidents or one or more convictions for a significant act of dishonesty will be refused until there has been five years free from conviction.

Information

In clarification of the above, the recorded date of the court conviction is to be taken as the period to remain free of conviction from, unless a sentence of imprisonment or corrective training exceeding 30 months has been imposed, when the period commences from the date of release from imprisonment.

APPENDIX B

Advice for Drivers when dealing with People with Disabilities

Taxis are an important, and sometimes the only means of transportation for many people with disabilities.

It may be that you drive or operate a vehicle designed to make travelling easier for disabled people, but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by people with disabilities is very important.

Disability comes in many forms – not always visible. Never make assumptions, always ask what help (if any) a passenger may need from you. Make sure that you are familiar with any access and safety equipment in your vehicle. Be ready to help, but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist.

The following is some basic advice to assist you in giving the best service to your passenger.

Wheelchair Users

If a passenger is a wheelchair user, you should:

- Leave the passenger in a safe and convenient place which enables them to move away independently.
- Always ask the customer to make sure that the brakes of the wheelchair are on.
- Secure the wheelchair and suggest that the passenger uses the seat belt provided.

- Avoid sudden braking or acceleration.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are collapsible and some parts, such as handles and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

Ambulant Disabled

Whilst some ambulant disabled may use crutches or sticks, many disabled people who have mobility difficulties will not. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:

- Offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.
- If you have used a swivel seat, make sure it is locked back in position once inside the vehicle.

Visually Impaired Passengers

If a passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the “TAXI” sign which may be held out by some visually impaired people in order to hail a cab.
- If you are knowingly collecting a visually impaired passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and sound your horn.
- If your customer would like to be accompanied to or from the entrance of a building, offer them your arm (gripping just above the elbow will enable them to be guided more easily).
- Tell your passenger whether they are entering a saloon car or purpose-built cab.
- Demonstrate which way the doors open where appropriate.
- If possible, place a visually impaired person’s hand on the open door and indicate the position of the roof.
- Make sure the passenger(s) know which way the vehicle is facing.
- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt.
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion.

Deleted: hoot

- Tell passenger(s) the fare and count out the change.
- Set the passenger(s) down in a safe place and make sure they know where they are going.
- Remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry a guide dog without a medical exception is an offence under the Disability Discrimination Act and is in contravention of the conditions of your licence. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

Hearing Impaired Passengers

If a passenger's hearing is impaired, always:

- Look at them when you are speaking. Speak clearly, but do not shout and do not use your hands to gesticulate in front of your face.
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing.
- Make sure that they are aware that you have understood their instructions and that you know where the passenger is going.

Maintenance of Vehicles

- Keep door handles, locks and hinges well lubricated. This reduces the amount of physical (often painful) effort required to operate them.

APPENDIX C

Advice for Drivers and Operators when dealing with Difficult Passengers

It is recognised that taxi drivers do on occasions have to deal with customers who, due to the influence of substances such as alcohol and possibly drugs, can be difficult and dangerous. These passengers can exhibit aggressive and sometimes violent tendencies, which can threaten the safety and welfare of the driver. If the vehicle is in motion, then this behaviour can distract a driver and may lead to the loss of control of the vehicle, with serious consequences for the occupants and other highway users. To assist drivers in dealing with these situations, the following guidelines have been issued:

1. Upon arrival to collect passengers, a driver may make a judgement as to whether the intended passengers are fit to travel in the vehicle. If a person is judged by the driver to represent a risk by their behaviour to the driver or other passengers, the driver may make the decision to refuse entry to the vehicle. The driver must inform the person of the reason for refusal and consider if this action has induced a change in that behaviour. If no change is evident, the driver must inform his base of his decision as soon as possible.
2. If passengers during a journey exhibit behaviour which is likely to threaten the safety or welfare of a driver, the driver must stop the vehicle at the earliest possible moment in a safe location. In deciding upon the location, the driver must take into account the possible risks to the passengers and themselves whilst stationary in that location. For example, is the stopping place likely to be hazardous to other traffic, or should the passengers leave the vehicle will they be at risk

from traffic? The driver should not attempt to continue on the journey until the behaviour has modified.

3. There may be occasions when the threat to the driver's safety is at such a level that it is necessary to stop the vehicle immediately. In doing so, the driver must be aware of the risks to other traffic in taking such action. The driver should take account of the Highway Code, in particular the sections on 'Waiting and Parking' and 'Breakdowns and Accidents', in making their decision. The driver must advise passengers on how and when to leave the vehicle and, if appropriate, where to stand in line with the guidance in the Highway Code.
4. Where the behaviour of passengers has resulted in a refusal to carry or in the stopping of a journey, the driver should contact his operator and advise them of the circumstances and location. The operator or driver should consider if the incident requires police attendance and, if deemed necessary, request it. A record should be kept by the driver or operator of any incident that occurs which they should produce at the request of an authorised Officer or Police Officer.
5. In vehicles where the driving section is separate from the passenger section by a partition, the driver should consider driving directly to a police station or to a public place, such as their operating base. At these locations, the risk to the safety and welfare of the driver can be limited.
6. In cases where the passenger(s) showing threatening behaviour are female, it is advised where possible to take the passenger(s) to a well lit area which is covered by CCTV, such as a 24-hour petrol station.

APPENDIX D

Recording of Contraventions

The Council has agreed a system whereby infringements of the law or licence conditions by a licence holder can be recorded and given a value dependent upon the nature of the infringement. Any licensed person who in the opinion of an authorised officer has committed an infringement will be issued with a notice as shown on the following page.

If the licence holder believes that a notice has been issued in error, or that there are mitigating circumstances not taken into account by the officer, there is a right of appeal to the Chief Officer: Environment and Public Protection at Time Square within 14 days of receiving the notice.

Please note that appeals will not be considered where there is a proven breach of construction and use regulations, such as an illegal tyre.

If the appeal is in respect of documentation provided to the Council, the applicant must provide proof that such documentation was submitted in the form of a receipt or similar. Failure to do so may render the appeal invalid.

The licence holder may be invited to a meeting to discuss the appeal.

The licence holder will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.

The issue of a notice does not prevent the department from taking any other action in line with its published enforcement policy, including prosecution where this is felt to be appropriate.

Where 12 or more points are issued to a licence holder within a 12-month period, a report may be submitted to a meeting of the Licensing Panel for a decision to be made on whether the licence should be suspended or revoked. The Panel will receive the report from officers and invite representations from the licence holder.

| The present list of infringements and points will be reviewed on an ongoing basis.

Deleted: scores

BRACKNELL FOREST COUNCIL

Licensing Section, Time Square, Market Street, Bracknell, RG12 1JD
 01344 352000 licence.all@bracknell-forest.gov.uk

Contraventions	Points	✓	Contraventions	Points	✓
Unlicensed vehicle	12		Overcharging	6	
Driving with no valid insurance	12		Private hire vehicle parked on rank	6	
Unlicensed driver	12		Smoking in vehicle	6	
Driving with no valid MOT/inspection	12		Hackney carriage left unattended on rank	4	
Contravention of Stop Notice/suspension	12		Failure to notify accident	4	
Private Hire plying for hire	12		Failure to comply with traffic sign or signal	4	
Behaving in a disorderly manner	12-4		No Smokefree signage	4	
Failure to wear or display driver badge	8		Failure to provide MOT, inspection or insurance document	4	
Illegal tyres (per tyre)	8		Illegal use of bus lane	4	
C&U regulations	8-4		Failure to notify change of details	4	
Too many passengers	8		Horn misuse	3	
Failure to notify conviction, caution or fixed penalty notice	6		Failure to carry required equipment	3	
Failure to display plate or stickers	6		Vehicle in an unclean condition	2	
Use of hand held phone or radio while driving	6		Other:		

Details:

Plate no: Vehicle reg no: Badge no.

Driver's name:

The contravention(s) above mean(s) that you have acquired points.

If you believe that this notice has been issued in error, or that there are mitigating circumstances not taken into account by the officer, there is a right of appeal to the Chief Officer: Environment and Public Protection at Time Square within 14 days of receiving this notice. You will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.

Date: Officer:

APPENDIX E

Enforcement Table Town Police Clauses Act 1847

Section	Offence
40	Giving false information on application for HC proprietor's licence
44	Failure to notify change of address of HC proprietor
45	Plying for hire without HC proprietor's licence
47	Driving a HC without HC driver's licence
47	Lending or parting with HC driver's licence
47	HC proprietor employing unlicensed driver
48	Failure by HC proprietor to hold HC driver's licence
48	Failure by HC proprietor to produce HC driver's licence
52	Failure to display HC plate
53	Refusal to take a fare
54	Charging more than the agreed fare
55	Obtaining more than the legal fare
56	Travelling less than the lawful distance for an agreed fare
57	Failing to wait after a deposit to wait has been paid
58	Charging more than the legal fare
59	Carrying other person than the hirer without consent
60	Driving HC without proprietor's consent
60	Person allowing another to drive HC without proprietor's consent

61	Drunken driving of HC
61	Wanton or furious driving or wilful misconduct leading to injury or danger
62	Driver leaving HC unattended
64	HC driver obstructing other HCs

**Enforcement Table
Hackney Carriage Provisions
Local Government (Miscellaneous Provisions) Act
1976**

Section	Offence
49	Failure to notify transfer of HC proprietor's licence
50(1)	Failure to present HC for inspection as required
50(2)	Failure to inform local authority where HC is stored if requested
50(3)	Failure to report an accident to local authority
50(4)	Failure to produce HC proprietor's licence and insurance certificate
53(3)	Failure to produce HC driver's licence
57	Making false statement or withholding information to obtain HC driver's licence
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietor's licence
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew
64	Permitting any vehicle other than HC to wait on a HC stand
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement
67	Charging more than the meter fare when HC

	used as private hire vehicle
69	Unnecessarily prolonging a journey
71	Interfering with a taximeter
73(1)(a)	Obstruction of authorised Officer or constable
73(1)(b)	Failure to comply with requirement of authorised Officer or constable
73(1)(c)	Failure to give information or assistance to authorised Officer or constable

**Enforcement Table
Private Hire Provisions
Local Government (Miscellaneous Provisions) Act 1976**

Section	Offence
46(1)(a)	Using an unlicensed PH vehicle
46(1)(b)	Driving a PH vehicle without a PH driver's licence
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver
46(1)(d)	Operating a PH vehicle without a PH operator's licence
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver
48(6)	Failure to display PH vehicle plate
49	Failure to notify transfer of PH vehicle licence
50(1)	Failure to represent PH vehicle for inspection as required
50(2)	Failure to inform local authority where PH vehicle is stored if requested
50(3)	Failure to report an accident to local authority
50(4)	Failure to produce PH vehicle licence and insurance certificate
53(3)	Failure to produce PH driver's licence
54(2)	Failure to wear PH driver's badge

Section	Offence
56(2)	Failure by PH operator to keep records of bookings
56(3)	Failure by PH operator to keep records of PH vehicles operated by him
56(4)	Failure to produce PH operator's licence on request
57	Making false statement or withholding information to obtain PH driver's or obtain PH driver's or operator's licence
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew
67	Charging more than the meter fare when HC used as PH vehicle
69	Unnecessarily prolonging a journey
71	Interfering with a taximeter
73(1)(a)	Obstruction of authorised Officer or constable
73(1)(b)	Failure to comply with requirement of authorised Officer or constable
73(1)(c)	Failure to give information or assistance to authorised Officer or constable

APPENDIX F

CRITERIA FOR ADVERTISING ON HACKNEY CARRIAGES

1. All advertisements must comply with the British Code of Advertising Practice, Sales Promotion and Direct Marketing and it is the responsibility of the agency or individual seeking the Council's approval to ensure that they do so.
2. Each application will be considered on its merits, but advertisements containing the following will not be approved:
 - a) Those with political, ethnic, religious, sexual or controversial texts;
 - b) Those for escort agencies or massage parlours;
 - c) Those displaying nude or semi-nude figures;
 - d) Those which seek to involve the driver as an agent of the advertisers;
 - e) Those likely to offend public taste (including material depicting bodily functions and the use of obscene or distasteful language);
 - f) Those which seek to advertise more than one company.
3. All advertisement liveries must be approved by the Council and proposals must be accompanied by full colour, three-view art work.

4. The hackney carriage may be required to attend the Council offices for inspection of the finished livery.
5. The bodywork of the hackney carriage must be maintained in good condition. If any panels on the vehicle are damaged, they must be replaced within 7 days.
6. No secondary advertising of any kind will be permitted, whether in the form of the logo of the company preparing the vehicle or the name of the advertising agency.
7. No logos or words will be allowed on the boot lid area.
8. If approved, the livery may remain on the vehicle for a period of one year. At the end of that year, the vehicle owner may apply for an extension for a further 12 months which may be granted subject to an inspection of the quality of the livery and bodywork. This would be subject to a renewal application process and fee.

APPENDIX G

AGE LIMITATION ON VEHICLES

Exceptional Condition

A vehicle will not be regarded as in “exceptional condition” except where evidence has been presented to the Council that the vehicle has been regularly serviced and maintained in line with the manufacturer’s servicing schedule.

When considering the exterior and interior of the vehicle the following matters will be taken into consideration in judging if the condition is exceptional. A single item dependant upon the extent of damage or cosmetic appearance will not necessarily result in refusal to extend the use of the vehicle but 2 or more items in all areas will require correction, replacement or repair for an extension to be granted.

Exterior of vehicle

1. The exterior paintwork on the vehicle should not:
 - a) shows signs of rusting
 - b) be faded or show signs of mismatched paint repairs
 - c) have 5 or more stone chips greater than 2mm in length in any direction
 - d) have 8 or more stone chips of any size
 - e) have any scratches, cracks or abrasions where the top layer of paint has been removed.

2. The exterior bodywork of the vehicle should not:
 - a) have 2 or more dents greater than 10mm in length in any direction

- b) have 4 or more dents less than 10mm in length in any direction
 - c) have fittings that are missing, broken or damaged.
3. Have wheels and wheel trims that have significant damage which detracts from the overall excellent condition of the vehicle.
 4. The vehicle must be submitted for inspection in a clean state such that an effective inspection is possible. Should the vehicle be submitted in an unclean state then the application shall be refused.
 5. The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil or hydraulic fluids.

Interior of vehicle

6. The seating and carpet areas of the vehicle shall not show signs of:
 - a) staining
 - b) damp
 - c) fraying or ripping of the material
 - d) seat covers that are loose or badly fitted.
7. The seats should provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism.
8. Interior panels and fittings within the vehicle should not be damaged nor show excessive wear, or staining.
9. The interior of the vehicle should not have damp or other obnoxious smells.

Abnormally Low Mileage

The Council will not regard a vehicle as having travelled an abnormally low mileage in the following circumstances:

1. A vehicle intended for normal private use with a mileage in excess of 200,000 miles, or
2. A vehicle purposely built for use as a licensed vehicle with a mileage in excess of 300,000 miles, or
3. A “prestige car” with a mileage in excess of 300,000 miles.

Prestige Car

A “prestige car” is to be defined as an executive style vehicle with the following minimum requirements:

1. Be a four door saloon motor car and would not normally be a hatchback
2. Be not less than 14.9 ft (4470mm) in length
3. The vehicle interior and exterior shall be of the very highest quality in design and use of materials available.
4. Must have sufficient space for passengers and equipment in so much as:
 - a) rear height (seat to roof, measured from point of contact between seat cushion and back of seat) - 36” (91cm)
 - b) depth of seat – 20” (51cm)
 - c) knee space – (back of seat squab) with front seats fully back – 29” (73.5cm)

5. The vehicle should carry no more than:
 - a) one passenger in the front;
 - b) three passengers in the rear, unless it is specifically designed or adapted to do so;
 - c) each rear seat passenger should have a minimum clear seat width for each passenger of at least 19” (48.2cm).
6. The engine capacity must exceed 2 litres.
7. The vehicle must not be designed or adapted as a personnel carrier, mini bus, people mover or other like vehicle.

ANNEX B

Car Classification				
<u>American English</u>	<u>British English</u>	<u>European Commission classification</u>	<u>Euro NCAP</u>	<u>Examples</u>
Mid-size car	Large family car	D-segment	Large family car	Ford Mondeo, Vauxhall Vectra, Toyota Avensis, VW Passat
Entry-level luxury car	Compact executive car			Audi A4, BMW 3 Series, Mercedes C-Class, Volvo S60
Full-size car	Executive car	E-segment	Executive car	Chrysler 300C
Mid-size luxury car				Audi A6, BMW 5 Series, Volvo S80, Jaguar XF, Mercedes E-Class, Lexus GS
Full-size luxury car				Luxury car
Compact minivan	Compact MPV, Midi MPV	M-segment	Small MPV	Vauxhall Zafira, Renault Scénic, VW Touran
Minivan	Large MPV		Large MPV	Ford Galaxy, Toyota Previa, Renault Espace, VW Sharan
Mid-size SUV	Large 4x4	J-segment**	Large Off-Road 4x4	Mercedes M Class, BMW X5, Jeep Grand Cherokee, VW Touareg
Full-size SUV				Range Rover, Audi Q7

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**TO: LICENSING AND SAFETY COMMITTEE
9 JANUARY 2014**

**DEREGULATION OF ENTERTAINMENT LICENSING
Chief Officer: Environment and Public Protection**

1 INTRODUCTION

- 1.1 This report highlights the ongoing deregulation of entertainment licensing under the Licensing Act 2013.

2 SUPPORTING INFORMATION

- 2.1 The first wave of deregulation of entertainment licensing occurred by way of the Live Music Act 2012 (the 2012 Act) and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 (the 2013 Order). This followed a consultation by the Department of Culture, Media and Sport (DCMS) in 2011 with the aim of exempting lower risk activities and relaxing existing controls on live and recorded music.

- 2.2 The effect of the 2012 Act and the 2013 Order is that the following activities are no longer licensable when they take place between 08:00 and 23:00 on any day:

- A performance of a play in the presence of any audience of no more than 500 people
- An indoor sporting event in the presence of any audience of no more than 1000 people
- A performance of dance in the presence of any audience of no more than 500 people
- Live music, where the live music comprises:
 - i) A performance of unamplified live music
 - ii) A performance of live amplified music in a workplace with an audience of no more than 200 people
 - iii) A performance of live music on licensed premises (open for the sale of alcohol for consumption on the premises) which takes place in the presence of an audience of no more than 200 people.

- 2.3 The second wave of deregulation was proposed in a DCMS consultation in October 2013 and a legislative reform order may come into force as early as April 2014. The proposed changes would mean that the following are no longer licensable when they take place between 08:00 and 23:00 on any day:

- Entertainment activities at local authority, hospitals and school premises (not higher education) where the event is hosted by or on behalf of the organisation (with no audience limit)
- Entertainment activities as part of nursery provision on non-domestic premises.
- Live music in licensed premises (open for the sale of alcohol for consumption on the premises) or in a workplace with an audience of not more than 500 people
- Recorded music in licensed premises (open for the sale of alcohol for consumption on the premises) with an audience of not more than 500 people
- Live and recorded music at local authority, hospitals, school and community premises (where the entertainment is arranged by others e.g. the premises is hired out) with an audience of not more than 500 people

Unrestricted

- Live and recorded music, plays, dance and indoor sport at tented circuses between 08:00 and 23:00 with no audience limits.
- Greco-Roman and freestyle wrestling at any premises with no audience limits.

An additional proposal is to suspend the effect of any condition of a premises licence or club premises certificate that relates to recorded music between 08:00 and 23:00. This is to mirror the provision for live music conditions brought in by the 2012 Act.

2.4 The Government, in making these changes, state that they believe local authorities and other competent and trusted civil society organisations should where possible be freed from current entertainment licensing arrangements. It is understood that guidance will clarify exactly which types of premises will fall within the exemption detailed in the first bullet point under 2.3, but that it is likely to include the following:

- Non-domestic property or land over which the local authority or statutory parish council has control, e.g. parks, libraries, swimming pools and leisure centres;
- Hospitals, clinics and hospices, and
- Schools and sixth form colleges (including any school land or buildings).

2.5 A workplace means any premises which are not domestic premises and are made available to any person as a place of work. Community premises are defined as 'premises that are or form part of (a) a church hall, chapel hall, or other similar building, or (b) a village hall, parish hall, community hall or other similar building'.

2.6 The third wave of change will be to deregulate community film exhibition, defined as 'not for profit' film exhibitions on community premises between 08:00 and 23:00. A film screening will have to have age classification from the BBFC or the relevant licensing authority to be eligible for the community film exemption. The Government also proposes to deregulate the exhibition of films which are incidental to an activity which is not itself regulated entertainment. These changes are intended to be included in the legislative reform order detailed in 2.3.

2.7 In proposing this further deregulation, DCMS has stated that the Government wishes to remove bureaucracy and cost from community entertainment activities and encourage community participation in cultural and sporting events. They also wish to remove burdens from small and medium sized businesses such as pubs and hotels so they can offer additional activities and diversify. Deregulation will only apply to activities conducted between 08:00 and 23:00 to 'minimise any risk of excess noise when the impact of noise disturbance on households is highest' and in line with other night-time environmental protection regimes.

2.8 Regulation will remain in place for all activities that exceed the audience limits and timings detailed in 2.3, and adult entertainment will also remain regulated. In addition, any sale of alcohol at any of the above must still be authorised by either a premises licence or temporary event notice.

3 EQUALITIES IMPACT ASSESSMENT

3.1 None.

4 STRATEGIC RISK MANAGEMENT ISSUES

4.1 None.

Background Papers

Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013

Live Music Act 2012

DCMS Consultation Documents (various)

Contact for further information

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**TO: LICENSING AND SAFETY COMMITTEE
9 JANUARY 2014**

**SCRAP METAL DEALERS ACT 2013 IMPLEMENTATION
Chief Officer: Environment and Public Protection**

1 INTRODUCTION

- 1.1 This report provides detail on the implementation of the Scrap Metal Dealers Act 2013 (the Act) which came into force on 1 October 2013.

2 SUPPORTING INFORMATION

- 2.1 The Act provides for two different types of licences - a site licence and a mobile collector licence (carrying on business otherwise than at a site). Both licences will be valid for three years from the date of issue.
- 2.2 A site licence requires all of the sites at which the licensee carries on the business as a scrap metal dealer within the local authority area to be identified and a site manager to be named for each site. They will then be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area.
- 2.3 The mobile collector licence will authorise the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal. The licence does not permit the collector to collect from any other local authority area. A separate licence should be obtained from each local authority from which the individual wishes to collect in. A collector's licence does not authorise the licensee to carry on a business at a site within any area.
- 2.4 At the time of writing this report, the Council has received four applications for site licences and six applications for mobile collector licences. A consultation exercise was carried out with various bodies including the Environment Agency and Thames Valley Police, with no adverse comments received in respect of any of the applications. The licences are in the process of being issued and joint enforcement operations are planned with Thames Valley Police for early 2014 to ensure that persons acting as scrap metal dealers in the Bracknell Forest borough are appropriately licensed.
- 2.5 The new arrangements in respect of scrap metal dealer licensing will be reported to a future meeting of this Committee.

3 EQUALITIES IMPACT ASSESSMENT

- 3.1 None.

4 STRATEGIC RISK MANAGEMENT ISSUES

- 4.1 None.

Background Papers

None

Contact for further information

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**LICENSING PANEL
10 DECEMBER 2013
10.05 - 11.05 AM**

Present:

Councillors Thompson (Chairman), Brossard and Finnie

In Attendance:

Simon Bull, Legal Adviser to the Panel

Laura Driscoll, Licensing Team Leader

Amanda Roden, Democratic Services Officer

1. Declarations of Interest

There were no declarations of interest.

2. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

3. Application for New Premises Licence - North Lake, Ringmead, Bracknell

The panel's decision was that the application for a new licence in respect of North Lake, Ringmead, Bracknell shall be granted.

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Team Leader who outlined the issues;
- the applicant's representative, Mr Reeve;
- the interested parties (2) who submitted oral and written representations, and one other written representation.

together with reference to the appropriate Licensing Objective: The Prevention of Public Nuisance, particularly noise nuisance, the Council's own Licensing Policy and the Secretary of State's guidance. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

The Panel noted that there had been no representations made by the responsible authorities; Thames Valley Police, Environmental Protection, Trading Standards, Royal Berkshire Fire and Rescue, Child Protection Committee, Planning, Public Health and Environmental Health & Safety.

The Panel noted that the application was for a maximum of two one-day events each year with the aim of providing entertainment for families and children. A fireworks event held at North Lake had received positive responses and events held at North Lake were well planned, particularly in regard to parking and marshalling.

The Panel found no reason under the four Licensing Objectives to refuse the application. The Panel decided that granting the new licence would promote the four licensing objectives, and noted that the proposed licensing conditions, particularly conditions 10 to 15 at Annex G of the agenda papers, addressed some of the concerns of local residents with regard to noise nuisance.

Reasons for the panels' decision to grant the licence:

The panel and the applicant were assisted by the advice of the panel's legal advisor who advised the objectors to focus their submissions upon the licensing objectives. The majority of the objectors' submissions up until that point had focussed on extraneous matters unrelated to the licensing objectives.

It was conceded by the objectors during oral submissions that they had misread the application and accepted that although the event could take place between Friday at 1600 hours to Sunday at 2200 hours, the applicants were only proposing an event of one days duration over the three day period on two occasions a year. Not two, three day events.

The panel were unprepared to accept that a fire work event held previously at the site of the proposed licensed premises had the characteristic of the Syrian civil war. Neither were they entitled to consider the impact upon wildlife in the area. The reference in the written submissions to the views of the fishing club were not relevant considerations and contrary to the submission in Annexe C under the heading location; nothing in the proposal would substantially interfere with the quiet enjoyment of a residential area. The events were proposed to be of one days duration twice a year and designed for children and families.

The panel also took cognisance of the fact that democratically elected Members of the Town Council would set up a committee to select and ensure only appropriate family and child focussed events would take place on the licensed premises. The licence did not include a licence to sell alcohol.

The applicants were clear that they would liaise with South Hill Park Arts centre so that the applicants did not hold an event on the same day as a significant event at South Hill Park, to avoid a nuisance of too many cars and people converging on the area at the same time on the same day.

The evidence submitted by the objectors concerning the licensing objectives was very light on weight and evidence. References made to historical events nearly 20 years ago concerning WOMAD were also given little weight.

The panel were of the opinion based on the evidence advanced by both the applicant and the objectors that the four licensing objectives would be promoted by the granting of this licence, particularly as the licensing conditions voluntarily offered and accepted by the applicants would promote and safeguard the licensing objectives.

The objectors' concerns focussed on what might happen. If the objectors' fears were realised then under the Licensing Act there was a mechanism for resolving those concerns by either an application to vary the conditions or review the licence. Any interested party could seek a review.

In summary, the Panel decided to agree the new premises licence subject to the proposed licensing conditions at Annex G of the agenda papers.

CHAIRMAN

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